

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION**

EDWARD HEYMER, on behalf of
himself and all others similarly
situated,

Plaintiff,

V.

HARLEY-DAVIDSON MOTOR
COMPANY GROUP, LLC,

Defendant.

Case No. 5:22-cv-02085 AB (MAAx)

ORDER ON JOINT STIPULATION REGARDING WAIVER OF SERVICE AND STAY OF PROCEEDINGS

The Court, having considered the Joint Stipulation Regarding Waiver of Service and Stay of Proceedings, hereby ORDERS:

1. That Defendant Harley Davidson Motor Company Group, LLC waives service of the summons and complaint in satisfaction of the requirements of Fed. R. Civ. P. 4(d).
2. All proceedings with respect to this Action shall be stayed, including the time for Defendant to answer or otherwise respond to the Complaint, which shall be stayed until further order of this Court or, if different, the transferee court, in light of the motions to transfer and consolidate for pretrial proceedings all Related Actions (“Motions”) pending before the United States Judicial Panel on Multidistrict Litigation (“JPML”).
3. Following the resolution by the JPML of the Motions, or the withdrawal of all pending Motions, Plaintiff and Defendant shall meet and confer in good faith to attempt to agree to a stipulated schedule for Defendant to answer or otherwise respond

1 to the Complaint and, if appropriate, a briefing schedule with respect to any motions
2 filed pursuant to Fed. R. Civ. P. 12.

3 4. If Plaintiff and Defendant are unable to agree to a stipulated schedule as set
4 forth in the preceding paragraph, Plaintiff and Defendant shall submit a joint brief to
5 this Court or, if different, to the transferee court regarding such schedule.

6 5. Plaintiff and Defendant stipulate and agree that the agreement to this Stipulation
7 by Defendant shall not constitute a waiver of (a) any jurisdictional defenses that may
8 be available under Rule 12 of the Federal Rules of Civil Procedure; (b) any affirmative
9 defenses under Rule 8 of the Federal Rules of Civil Procedure; or (c) any other
10 statutory or common law defenses that may be available to Defendant in this and the
11 other Related Actions. Defendant expressly reserves its rights to raise any such
12 defenses (or any other defense) in response to either the current Complaint or any
13 amended complaint that may be filed relating to this action.

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15 **IT IS SO ORDERED.**

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17 Dated: 01/05/2023



18 HONORABLE ANDRÉ BIROTTÉ JR.
19 UNITED STATES DISTRICT COURT JUDGE
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